

## REMARKS

Claims 1-20 and 23 are pending in the present application. Claims 1, 11 and 23 have been amended. No new matter has been added.

Reconsideration and allowance are respectfully requested in view of the following remarks.

### **Claim Rejections Under 35 U.S.C. § 103**

Claims 1-3, 5-13, 15-20 and 23 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Maciulewicz (U.S. Patent No. 5,751,572, hereinafter "Maciulewicz") in view of Paul (U.S. Patent No. 6,687,817, hereinafter "Paul"). Applicant respectfully traverses.

To establish a *prima facie* case of obviousness, the applied references must disclose or suggest all the claim limitations. See MPEP 2142. If the applied references fail to disclose or suggest one or more of the features of a claimed invention, then the rejection is improper and must be withdrawn. In addition, the teachings or suggestions to make the claimed invention and the reasonable expectation of success must be found in the prior art and not based on Applicant's disclosure. See *In re Vaeck* 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) and MPEP 2143. Applicant respectfully submits that the Examiner has not satisfied the above criteria.

In the Response to Arguments, the Examiner alleges "control information" and "operating parameters of zone controllers" of Maciulewicz to be specific types of configuration data. First, Applicant submits that Maciulewicz does not even mention any type of configuration data. Further, as previously submitted to the Office, the "control information" of Maciulewicz is defined in column 4 lines 32-39 thereof as

zone damper position, zone temperature setting and the current temperature of the zone. The Examiner therefore fails to produce reasonable support for the statement that "control information" and "operating parameters of zone controllers" of Maciulewicz are specific types of configuration data. The control information or the operating parameters of zone controllers of Maciulewicz does not relate to configuration data. Furthermore, since Maciulewicz in other respects is silent regarding any type of configuration data (or information relating thereto), Maciulewicz particularly fails to disclose configuration data associated with the controller device being configured to perform its appointed role, the role pertaining to at least one from controller type and controller functionality.

Moreover, Applicant submits that although the Examiner cites additional passages of Maciulewicz and Paul, these passages do not remedy the deficiencies of the previously cited passages of Maciulewicz and Paul.

Specifically, the Examiner cites Maciulewicz at column 1, lines 51-67. As previously noted, Maciulewicz at column 1, lines 51-59 teaches an HVAC communication system with the capability of allowing a master controller in the system to immediately broadcast control information to its respective zone controllers by responding to messages provided from any device within the HVAC system. Maciulewicz at column 1, lines 59-67 further teaches the master controller to respond to any change in local conditions that it is directly responsible for and to broadcast a message reflecting a specific change that may need to be made to the operating parameter of zone controllers associated with the master controller.

However, as argued above, the master controller of Maciulewicz is not responsible for configuration of local controller devices since Maciulewicz does not

teach configuration data. Particularly, the cited passage fails to disclose a master controller adapted to respond to a configuration data request, the configuration data request containing data that indicates at least one of the type and the functionality of the controller device requiring the configuration data by broadcasting a configuration data response containing the required configuration data, the configuration data pertaining to at least one of the type and the functionality of the controller device requiring the configuration data to all the controller devices.

Further, Paul at column 1, lines 40-46 refers to Fig.2 thereof and teaches an approach to configure a new device attached to a network. It is stated that in order for the new device to be accessed through the network, it must be configured to communicate on that network. The Examiner alleges that the new device in Paul is adapted to transmit configuration data request if not configured to perform its appointed role.

Applicant submits that the cited passage at least fails to teach or suggest configuration data pertaining to the role of the control device, the role pertaining to at least one from controller type and controller functionality. As previously submitted to the Office, Paul at column 4 lines 42-45, column 5 lines 62-65 and column 6 lines 41-43, teaches that the configuration data pertains to network settings which allow the new device to function within the network such that it configures the new device to fit with the network specifications. Adapting the control device to network specifications as taught by Paul does not relate to configuring the control device to perform its appointed role, the role pertaining to at least one from controller type and controller functionality.

Thus, Paul fails to teach or suggest that each controller device is adapted to check whether or not it has configuration data to perform its appointed role, the configuration data pertaining to at least one of the type and the functionality of the controller device requiring the configuration data and, if not, to transmit a configuration data request, the configuration data request containing data that indicates at least one of the type and the functionality of the controller device requiring the configuration data.

Since the combination of Maciulewicz and Paul fails to teach or suggest each feature of claim 1, the Office has not established a *prima facie* case of obviousness. Therefore, claim 1 is patentable. Claims 11 and 23 are patentable for reasons analogous to these for claim 1 because claims 11 and 23 recite features analogous to these of claim 1. Claims 2, 3, 5 -10, 12-13 and 15-20 are patentable over the cited prior art at least because of their respective dependencies.

Claims 4 and 14 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Maciulewicz in view of Paul, as applied to claim 1 and 11, and further in view of Donahue et al. (U.S. Patent No. 7,313,606, hereinafter "Donahue")

Claims 4 and 14 are also patentable over Maciulewicz, Paul and Donahue, at least because Donahue fails to remedy the above noted deficiencies of Maciulewicz and Paul.

**CONCLUSION**

For all of the reasons set forth above, it is respectfully submitted that the pending claims are patentably distinct over the prior art of record and are in condition for allowance. Thus, it is respectfully requested that the application be passed to issue forthwith. Accordingly, such action is earnestly solicited at the earliest possible date.

In the event that there are any questions concerning this amendment, or the application in general, the Examiner is respectfully requested to telephone the undersigned so that prosecution of present application may be expedited.

Respectfully submitted,

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